

New claims 45-50 are directed to feed compositions with an amount of anti-bacterial fatty acid component within the range of 2% to 7% by weight of said animal feed composition. Support for these claims is found on page 4, line 1.

REJECTIONS

Claims 10 and 18 have been rejected as allegedly anticipated by Kabara (U.S. 4,002,775) and dependent claims 11-17 have been rejected as allegedly obvious over this reference. Claims 10 and 19 are directed to feed compositions which contain "high lauric acid oil." Kabara does not disclose or suggest the addition of acids to feed compositions, only mono-esters of acids, more particularly esters of twelve-carbon atom fatty acids. (see col 3, lines 32-35). Therefore, claims 10 and 18 are not anticipated by the teachings of Kabara.

One skilled in the art also would not find the use of high lauric acid oil in animal feeds obvious in view of Kabara. While Kabara discloses that lauric acid has microbial activity in water within the examples provided and that the parent acids to the esters disclosed are FDA-GRAS, there are many questions left unanswered as to whether the use of such acids to protect food from spoilage would be effective. For example, there is no mention of the stability of these acids. Kabara refers to the uncertainty in the art of the activity of lower chain fatty acids in col 2, lines 40-42. Therefore, by not including lauric acid as an example of a food-grade microbicide, one skilled in the art would not be motivated to add lauric acid to an animal feed. In the absence of such motivation, claims 11-17 are unobvious in view of Kabara.

NEW CLAIMS

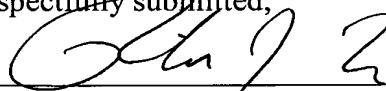
Claims 22-35 define feed compositions (including supplements) which contain at least one antibiotic in addition to the an anti-bacterial fatty acid component. Such combinations are not shown or suggested by Kabara. Kabara discloses the use of combinations of food-grade microbicides at col 4, lines 23-25. There is no evidence one skilled in the art would consider an antibiotic to be equivalent these food-grade microbicides. Therefore, claims 22-35 are unobvious for this reason alone. The dependent claims directed to feed composition with features relating to growth promotion and control of *Salmonella typhimurium* within the animal are clearly unobvious.

Claims 36-44 define animal feed compositions with an anti-bacterial fatty acid component that promotes the health of the animal but does not protect the feed from spoilage. This feature excludes the embodiments of Kabara. The teachings of Kabara would not motivate one skilled in the art to add an anti-bacterial fatty acid component to an animal feed in a manner which does protect the feed from spoilage. Therefore, claims 36-44 are unobvious in view of Kabara.

Claims 45-50 are directed to feed compositions with an amount of anti-bacterial fatty acid component within the range of 2% to 7% by weight. Kabara discloses a broad range of effective amounts as "up to 30% by weight," (see claim 1) and usually "0.001% to 2% by weight." The disclosure by Kabara provides no direction to use an amount of anti-bacterial fatty acid component in the range of 2% to 7 % by weight to promote the health of the animal, as preferred in the feed compositions of the present invention. Therefore, the feeds of claims 45-50 are unobvious.

Based on the above remarks, applicants submit that claims 1-18 and new claims 22-50 are in a form suitable for allowance and patentable over Kabara. Therefore, withdrawal of the rejections and allowance of these claims are earnestly solicited.

Respectfully submitted,



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